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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,441	06/21/2001	Jesus Matey	01471	5761

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EXAMINER

HOSSAIN, FARZANA E

ART UNIT PAPER NUMBER

2617

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/886,441	Applicant(s) MATEY, JESUS	
	Examiner Farzana E. Hossain	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6-21-01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08-01-01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

In the specification, page 5, the first instance of SI is not defined as "service information."

Page 5, line 32, the disclosure recites, "...the SI data...(denoted by * in the diagram).." The formal diagrams dated 07/05/01 do not have * denoted the SI data.

Page 6, line 18, the disclosure recites, "the SI data...denoted by * in the Figure 2.." The formal diagrams dated 07/05/01 do not have * denoted the SI data.

Appropriate correction is required.

Claim Objections

2. Claim 9 is objected to because of the following informalities: "...according to claim 1one.." on the first line of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8, 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Harper et al (US 5,585,858 and hereafter referred as "Harper").

Regarding Claim 1, Harper discloses an interactive program box or broadcast data receiver (Figure 1, 600, Figure 8, 600 and Column 6, lines 40-45). Harper discloses that an embodiment of the interactive program box has two tuners (Figure 7, 600 and Figure 8, 600, Column 14, lines 39-44) in order to provide alternative data segments to the user (Column 14, lines 39-40) or two data transmissions, which are independent of each other. Harper discloses that the user can select data transmitted from the first channel with video and audio signal can be combined with data transmitted from the second tuner to provide a program to suit viewer selections (Column 5, lines 61-67, Column 6, lines 1-4, Column 14, lines 39-67).

Regarding Claim 2, Harper discloses that the data transmissions selected are from a variety of providers including cable distribution system or TV broadcast (Figure 1, 166, 162) or from at least two different data providers.

Regarding Claim 3, Harper discloses that selected data transmissions such as transmissions for a sporting event from the first channel having a network announcer announcing the game and a related data transmission for the same sporting event from the second channel having a local announcer announcing the game (Column 7, lines 58-67 and lines 11-32).

Regarding Claim 4, Harper discloses that one of the tuners has data for an audio signal or data transmission with data relating to an audio channel (Column 14, lines 44-

45) and the RF demodulator (tuner) has data that tunes to a video signal or data transmission with data relating to video channel (Column 14, lines 41-44)

Regarding Claim 5, Harper discloses that RF demodulator (first tuner) which tunes to a channel with a video and audio signal (Column 14, lines 41-44) and the data (second) tuner tunes to a channel with audio signal (Column 14, lines 44-45). Harper discloses a viewer can select as an option or during trigger points for the interactive program box to have different audio segments (Column 7, lines 52-53, Figure 2). Harper discloses as an example a live sports event broadcasting video output and audio output (network announcer) and can have the audio output replaced with a different announcer or audio output so that the viewer can watch the video output of the first channel with the audio output of the second channel as indicated to the viewer as an option during trigger points (Column 7, lines 58-67).

Regarding Claim 6, Harper discloses that the viewer can select the two data transmissions to be merged immediately (Column 7, lines 58-67, Column 14, lines 39-60).

Regarding Claim 12, Harper discloses a FEC decoder where all data streams are shared by both tuners (Figure 5, note Column 15, lines 18-21 – which indicate Figure 8- two tuner assembly operates the same as previous embodiments) and that the user can selectively chose data transmission of audio (Column 5, lines 65-67, Column 6, lines 1-4).

Regarding Claim 13, Harper discloses an interactive program box or broadcast data receiver (Figure 1, 600, Figure 8, 600 and Column 6, lines 40-45). Harper

Art Unit: 2616

discloses an embodiment of the interactive program box has two tuners (Figure 7, 8, 600, 615, 616 and Column 14, lines 39-44) in order to allow the user to select to data from separate channels that are independent of the other to create an interactive program or to combine the two different transmissions (Column 4, lines 16-20). The user can select to combine video of the first channel from the first tuner with audio of the second channel as described in the example of a sporting event (Column 7, lines 58-67). Harper discloses that during a live sports event broadcasting video and audio (network announcer) and can have the audio replaced with a different announcer or audio output so that the viewer can watch the video output of the first channel with the audio output of the second channel as indicated to the viewer as an option during trigger points (Column 7, lines 58-67).

5. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks et al (US 5,990,927 and hereafter referred to as Hendricks).

Regarding Claim 14, Hendricks discloses a menu or electronic program guide (EPG), which is generated from received program signals (Column 10, lines 48-64), the program signals are transmitted to the set top terminal (STT) or broadcast data receiver (Column 5, lines 60-67 and Column 6, lines 1-10). Hendricks discloses that the menu contains text and display material (Figures 15, 16a, 22) and the text shows information for programs (Figure 15) or interactive services (Figure 18). Hendricks discloses that the subscriber or user can select programming via the remote control device (Column 11, lines 64-67 and Column 12, lines 1-12). Hendricks discloses a STT that has two

tuners which allow the merging of two television programs or merging of data transmission relating to different channels or user selections (Column 32, lines 7-17).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper in view of Norsworthy et al (US 6,784,945 and hereafter referred to as "Norsworthy").

Regarding Claim 7, Harper discloses all the limitations of Claim 1. Harper does not disclose that the interactive program, the merged output of two data transmissions, is transmitted to a storage medium. Norsworthy discloses that the two transmissions (Figure 3, 11, 31) are merged and transmitted to a memory (Figure 3, 14), which is in the receiver (Figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harper to store the merged output of two data transmissions to the memory of the receiver (Figure 3, 11, 31, 14) as taught by Norsworthy in order to store images as desired (Column 3, lines 37-38) as disclosed by Norsworthy and to provide faster presentation of the picture in picture (PIP) images.

Regarding Claim 8, Harper and Norsworthy disclose the limitations of Claim 7. Harper does not disclose that the storage medium/memory is a hard disk of the receiver. Norsworthy discloses that the memory is a hard disk of the receiver (Figure 3, 14).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harper in view of Ellis (US 6,820,278).

Regarding Claim 9, Harper discloses the limitations of Claim 1. Harper discloses that there are two data providers: cable distribution system and TV broadcast receivers. Harper discloses that the two data transmissions can be combined in the interactive program box (Figure 7, 8). Harper does not disclose information about selecting a data transmission in the form of an Internet signal. Ellis discloses that the set top box can tune to a stream of data from Internet web pages or in the form of an Internet signal (Column 6, lines 52-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harper to allow data transmission from an internet signal (Column 6, lines 52-59) as taught by Ellis to provide a cooperative interactive television system as disclosed by Ellis (Column 1, lines 34-67, Column 2, lines 1-4) thus also providing a user access to the Internet.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harper in view of Hendricks.

Regarding Claim 10, Harper discloses the limitations of Claim 1. Harper discloses that the interactive program box or broadcast data receiver allows the user to

select data transmission. However, Harper does not disclose an electronic program guide (EPG) including text and other matter generated by the interactive program box and relating to the program, data and/or service information. Hendricks discloses that a program or data transmission is selected from a menu or EPG (Column 12, lines 51-54). Hendricks discloses that the EPG includes text and other display matter such as interactive services (Figure 18) or information about the programs (Figure 16a) or data, program, or service information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harper to include an EPG to allow the user to select a program or data transmission and that the EPG provides text and program information (Column 12, lines 51-54 and Figure 16a) as taught by Hendricks in order to provide a TV system which can present programming through a user friendly interface to allow a user to select a program (Column 2, lines 44-47).

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harper in view of Hendricks.

Regarding Claim 11, Harper discloses the limitations of Claim 1. Harper discloses that the two data transmissions can be combined in the interactive program box (Figure 7, 8). Harper does not disclose that one of these transmissions is a default teletext service relating to particular channel and the other is a different channel, such that the default teletext service can be merged with a different channel regardless of an existing teletext service. Hendricks discloses a Home Menu or EPG that has teletext service (Column 12, lines 39-55, Figures, 15, 16a, 22). Hendricks discloses that the

Art Unit: 2616

EPG channel is default and can have data transmissions merge when a currently viewed program is displayed with a Program Overlay menu or the teletext service has merged with the different channel regardless of the teletext service from the channel of the currently viewed program (Column 13, lines 15-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harper to include a default teletext service from an EPG channel regardless of the channel currently viewed (Column 12, lines 39-55, Figures 15, 16a, 22 and Column 13, lines 15-20) as taught by Hendricks in order to provide a TV system which can present programming through a user friendly interface to allow a user to select a program (Column 2, lines 44-47).

Conclusion


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH
May 20, 2005



VIVEK SRIVASTAVA
PRIMARY EXAMINER